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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,619	12/16/2003	Kanako Matsunami	2785-42003800	2632
25225 7590 03/17/2010 MORRISON & FOERSTER LLP 12531 HIGH BLUFF DRIVE SUITE 100 SAN DIEGO, CA 92130-2040				
EXAMINER				
CHIO, TAT CHI				
ART UNIT		PAPER NUMBER		
2621				
MAIL DATE		DELIVERY MODE		
03/17/2010		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary****Application No.**

10/735,619

**Applicant(s)**

MATSUNAMI, KANAKO

**Examiner**

TAT CHIO

**Art Unit**

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 3 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/24/2010 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1, 3, and 6 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 6,266,481 B1) in view of Yuyama et al. (5,825,408), Nono (US 7,209,632 B2), and Yoshinobu et al. (5,761,372).

**Consider claim 1**, Lee et al. teach an apparatus comprising: a receiver for receiving waves of television broadcast (10 of Fig. 2), receiving state detector for detecting receiving state of the wave of television broadcast before recording (11 of Fig.

2 and col. 5, lines 41-44, the demodulator detects the state (first state: the signal contains no error and second state: the signal contains error) of the signal), a judge for judging whether the recording is permitted based on a detected result of the receiving state detector (13 of Fig. 2 and col. 5, lines 44-47), and a notifier for notifying the user that such a situation that the recording is not permitted occurs when it is judged that the recording is not permitted (col. 5, lines 51-57), and the notifier performs notification by showing on a display a message that the recording is not permitted (col. 5, lines 51-57). However, Lee et al. fail to explicitly teach that the apparatus is a portable television receiver and the receiving state of the wave is the reception level of the television broadcast wave, and the notifier performs notification by the production of sound or vibration.

Yuyama et al. disclose a portable telephone with function of receiving television (col. 16, lines 55-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the apparatus of Lee et al. with a portable telephone with function of receiving television disclosed by Yuyama et al. since this combination provides users with a more convenient way to watch TV.

Nono teaches the receiving state of the wave is the reception level of the television broadcast wave (col. 9, line 55-col. 10, line 59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a determining means as taught by Nono to determine whether the weather condition affects the receiving state of the broadcast to let the user know in advance the

possibility of degradation in receive of image quality due to bade weather during the broadcast time period of the program.

The combination of Lee, Yuyama, and Nono does not explicitly teach a memory storing programmed recording information, a detector for detecting that it is at a time point preceding a set start time of the programmed recording based on the programmed recording information stored in the memory, and a receiving state detection activator for activating the receiving state detector a predetermined amount of time preceding the set start time of the programmed recording.

Yoshinobu teaches a memory storing programmed recording information (col. 5, lines 31-32), a detector for detecting that it is at a time point preceding a set start time of the programmed recording based on the programmed recording information stored in the memory (col. 5, line 45 - col. 6, line 3), and a receiving state detection activator for activating the receiving state detector a predetermined amount of time preceding the set start time of the programmed recording (col. 5, line 65 – col. 6, line 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a memory storing programmed recording information to insure the recording reservation information in case of electric power suspension.

**Consider claim 3,** Lee et al. teach a portable television receiver wherein the receiving state detector repeats the detection operation after being activated by the receiving state detection activator (the demodulator demodulates the signal whenever the signal comes in, col. 5, lines 41-44), the judging means repeats the judging operation (the conditional access circuit determines if the signal constitutes a program

that is authorized for recording by the television receiving apparatus whenever the signal comes in, col. 5, lines 44-47), and the notifying means repeats the notifying operation until it is judged that the recording is permitted or until the user cancels the programmed recording (the viewer is notified whenever the program is not authorized to be recorded until the view obtains the necessary authorization to record the program, col. 5, lines 51-60).

3. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lee et al. (US 6,266,481 B1) in view of Yuyama et al. (5,825,408), Nono (US 7,209,632 B2), and Matsugami (US 2003/0099462 A1).

**Consider claim 6**, Lee, Yuyama, and Nono teaches all the limitations in claim 1 but do not explicitly teach the portable telephone, wherein the notifier performs notification by a production of sound or vibration.

Matsugami teaches a portable television receiver wherein the notifier performs notification by the production of sound ([0146]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to produce sound to notify the viewer since changing the way of giving notices signifies the degree of importance.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAT CHIO whose telephone number is (571)272-9563. The examiner can normally be reached on Monday - Thursday 9:00 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. C. C./  
Examiner, Art Unit 2621

/Thai Tran/  
Supervisory Patent Examiner, Art Unit 2621